



House of Representatives

General Assembly

File No. 200

February Session, 2014

House Bill No. 5258

House of Representatives, March 31, 2014

The Committee on General Law reported through REP. BARAM of the 15th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BAKERIES AND FOOD MANUFACTURING ESTABLISHMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-151 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 For the purposes of this chapter:

4 (1) "Bakery" means a building or part of a building [wherein is
5 carried on the production of] where bread, cakes, doughnuts, crullers,
6 pies, cookies, crackers, spaghetti, macaroni or other food products are
7 made, either wholly or in part of flour or meal, and including all
8 frozen or canned baked goods. [All] "Bakery" includes, but is not
9 limited to, restaurants, hotels, private institutions, home bakeries,
10 establishments operating doughnut-frying equipment and other
11 similar places [, offering] that offer their products for sale. [, shall be
12 included.]

13 (2) "Food manufacturing establishment" means a building or part of
 14 a building where food is prepared or stored for sale to other
 15 establishments for human consumption. For purposes of this
 16 subdivision, "prepared" means a process of canning, cooking, freezing,
 17 [dehydration or milling] dehydrating, milling, repacking or cutting.
 18 Premises [which] that are used solely for the retail sale or storage of
 19 prepackaged food, and facilities, as described in sections 21a-24a and
 20 22-6r, and chapters 417, 419a, 422, 423, 430, 431 and 491, shall not be
 21 considered food manufacturing establishments.

22 (3) "Packaged food" means standard or random weight or volume
 23 packages of food commodities that are enclosed in a container or
 24 wrapped in any manner in advance of wholesale or retail sale, such
 25 that the food commodities cannot be added to or subtracted from the
 26 package or wrapping without breaking or tearing the wrapping,
 27 container or seals on the wrapping or container.

28 Sec. 2. Subsection (a) of section 21a-152 of the general statutes is
 29 repealed and the following is substituted in lieu thereof (*Effective from*
 30 *passage*):

31 (a) Each bakery and food manufacturing establishment shall be
 32 designed, constructed and operated as the Commissioner of Consumer
 33 Protection directs pursuant to this chapter and chapter 418.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-151
Sec. 2	<i>from passage</i>	21a-152(a)

GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Consumer Protection, Dept.	GF - Revenue Gain	8,000	8,000

Municipal Impact: None

Explanation

The bill results in a revenue gain of approximately \$8,000 to the state as it extends the fee of \$20 for food manufacturing establishments to food warehouses. There are an estimated 400 such warehouses.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of food warehouses.

OLR Bill Analysis**HB 5258*****AN ACT CONCERNING BAKERIES AND FOOD MANUFACTURING ESTABLISHMENTS.*****SUMMARY:**

This bill expands the Department of Consumer Protection's (DCP) licensing and oversight authority of food manufacturing establishments to buildings where food is (1) stored for sale to other establishments (e.g., food warehouses) or (2) repacked or cut. The bill subjects these locations to the penalties for violating the food manufacturing establishment law, regulations adopted under it, or related orders issued by the DCP commissioner. The penalties include warning citations, injunctions, civil or criminal fines, or imprisonment.

Under current law, a "food manufacturing establishment" subject to DCP regulation is a building or part of a building where food for human consumption is prepared for wholesale distribution. It includes places where food is canned, cooked, frozen, dehydrated, or milled. By law, the annual license fee for a food manufacturing establishment is \$20. The commissioner may revoke or suspend licenses and inspect establishments. Under current law and the bill, many types of facilities are exempt (see BACKGROUND).

The bill also requires bakeries, as it does food manufacturing establishments, to be designed, constructed, and operated as the DCP commissioner directs under the state's Uniform Food, Drug, and Cosmetic Act. By law, bakeries are licensed by DCP.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND***Exemptions from DCP Regulation of Food Manufacturers***

The law exempts the following from regulation as a food manufacturing establishment:

1. facilities used solely for the retail sale or storage of prepackaged food;
2. certified farmers' markets;
3. residential farms that produce acidified food products, jams, jellies, or preserves;
4. state shellfisheries;
5. facilities that produce nonalcoholic beverages, milk, or milk products;
6. foods regulated under the laws on pure food and drugs (e.g., kosher foods, vending machines, and frozen desserts); and
7. facilities that grade and market farm products or conduct certain activities under the agriculture department's jurisdiction (CGS § 21a-151).

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 1 (03/13/2014)